

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES D. CLARK and	)	4:05CV3251
GRANT J. DEYONGE, Individually	)	
and as Assignees of the Beneficiaries	)	
and Participants of the Clark Bros.	)	
Employees Stock Ownership Plan,	)	
the CLARK BROS. EMPLOYEE	)	<b>MEMORANDUM</b>
STOCK OWNERSHIP PLAN, and	)	<b>AND ORDER</b>
CLARK BROS. TRANSFER, INC.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
AMERITAS INVESTMENT	)	
CORP.,	)	
	)	
Defendant.	)	

The defendant has filed a motion (filing 28) for leave to file a reply brief in support of its Statement of Objection, or in the alternative, Appeal from Magistrate's Order Granting Motion to Remand (filing 22) in order to respond to the issues raised in Plaintiffs' brief and to assist the court in its resolution of this matter. Plaintiffs object (filing 29) to the defendant's request, stating that "there are certainly no new issues in Defendant's attempts to circumvent the procedural briefing rules governing this appeal."

Because the defendant's objection or appeal from the Magistrate Judge's order raises complex issues upon which the court can benefit from counsels' responses, and because the court may allow enlargements of time in the interests of justice, I shall grant the defendant's motion. See NEGenR 1.1(c) (a judge of this court may deviate from local rules or any other rules or procedures adopted by the court when interests

of justice will be served by such deviation); see, e.g., Fed. R. Civ. P. 6(b) (court can for cause shown order enlargement of time).

IT IS ORDERED:

1. Defendant's Motion for Leave to File Reply Brief (filing 28) is granted, and such brief shall be electronically filed on or before February 16, 2006;
2. Plaintiffs may file a brief in response to the defendant's reply brief on or before February 23, 2006;
3. The Clerk of Court shall adjust the "response due" date for Filing 22 to February 23, 2006.

February 14, 2006.

BY THE COURT:  
*s/ Richard G. Kopf*  
United States District Judge